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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON VA 20195

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MAR 28 2008

In re Application of  
Lyu et al.  
Application No. 10/808,374  
Filed: March 25, 2004  
Attorney Docket No. 6661-000041/US

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2008, to revive the above-identified application.<sup>1</sup>

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a Restriction Requirement mailed January 17, 2006. The Office Action set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on February 18, 2006. A Notice of Abandonment was mailed on September 12, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply to the restriction requirement, (2) the petition fee of \$1500.00, and (3) a proper statement of unintentional delay.

Pursuant to petitioner's request deposit account no. 08-0750 will be charged the \$1500.00 petition fee based upon the fees of September 2006.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required

<sup>1</sup> Petitioner has provided postcard evidence that a petition under 37 CFR 1.137(b) was previously submitted on September 21, 2006. However, the record does not contain a copy of the September 21, 2006 petition. Since the petition filed in 2006 was not treated this is not a renewed petition.

reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1711 for appropriate action by the Examiner in the normal course of business on the reply received



Charlema Grant  
Petitions Attorney  
Office of Petitions